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### VINDICATION OF SIR WILLIAM BERKELEY.

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[The Narrative to which reference is made in the first paragraph of Berkeley's Vindication was the detailed account given by the English Commissioners of Bacon's Rebellion, in the form of a Report to the English Government. This Narrative is published in full in this Magazine, Vol. IV, page 117. The "Breviarie and Conclusion" was an abstract of this Narrative, and will be found in Randolph MSS., Vol. III, page 361, Virginia Historical Society MSS. Collections. The Vindication is from the same MSS., following the "Breviarie and Conclusion."]

To compile the narrative from whence the Breviarie and conclusion is drawn which is indeed a scandalous Libel and invective against Sir Wm. Berkeley and the Loyal party in Virginia, Robert Holden, John Langston and many others of the most eminent Rebels were sent for by particular Warrants signed Herbert Jeffries and Francis Morrison, and delivered to Mr. Wright, under Sheriff of James City County, by Mr. Sherwood, requiring them to appear before them at a time and day prefixt, to testifie what they knew concerning the proceedings of Sir Wm. Berkeley, Knight, &c. These warrants not being directed to be executed by the Sheriff as usual and to be kept by him, but to be delivered to the parties themselves and he doth testifie that there had been none of the Warrants of this nature but went directed to such persons as he knew to be notorious Actors in the late Rebellion, as appears by certificate under his hand dated August 7th, 1677.

The proceedings of Sir Wm. Berkeley to provide for the Publick Safety were not Slow nor dilatory, but sent orders to the Heads of the Rivers to draw off the smaller Plantations and placed many of them together for their mutual safety and summon the Assembly. The Assembly met resolves on such courses as he knew most expedient for the Publick Safety.

Sir Wm. Berkeley accordingly prosecutes the resolutions.

Those great and heavy impositions were lawfully imposed and without such impositions the publick Safety could not be provided for.

The imposition of a tax for raising money to buy the Patents was done by the Assembly and Sir Wm. Berkeley received no advantage from it but Colonel Moryson did.

The stopping of the forces going out under the command of Sir Henry Chickely was very prudent when there was a necessity of calling the Assembly, and if Sir Henry had not been stopt Col<sup>o</sup> Moryson had no assurance what his success would have been.

It would have been very imprudent for Sir Wm. Berkeley to have relied on Volunteers for the publick safety when another and a better course was appointed by the Assembly and Council, and that this was meer pretense appears when Bacon had extorted a Commission in the next Assembly for then the charge of the Country was greater.

Sir Wm. Berkeley had not done his duty had not Bacon and his followers in arms been proclaimed Rebels and Traytors as likewise if he had not endeavored to Suppress his Rebellion.

Sir Wm. Berkeley endeavouring by all means the Peace of the colony, dissolves the old assembly and calls a new one and by the choice of Bacon and Creuse in Henrico County he had cause to doubt the choice in all other counties having been regular.

Bacon being taken if he were thus pardoned by the Governor, it gains great evidence how unwilling he was to shed Blood which in other place is laid to his Charge, and tho. the event may make some conclude that another course would have been better yet Sir Wm. Berkeley's knowledge of the ill temper of the assembly which was much infused with Bacon's principles (as is said) might be the means of his endeavouring to win him by lenity to make him useful in that juncture of affairs. But Bacon knowing his fortune more desperate than it could appear to others and that he had no visible way of support, resolves to fish in troubled waters, steals out of Town, draws the Rabble together, surprises James City, surrounds the State House the Assembly sitting, and by force extorted a Commission for Gen-

eral, an Act of Indemnity for himself and party, a letter to his Majesty and several Blank Commissions.

After which Sir Wm. Berkeley (to prevent further mischief) dissolves that Assembly, nor is it to be wondered at that he did not immediately put forth Proclamations to undeceive people because he had then no means of securing himself nor forces to have maintained such a Proclamation by, but he took the first opportunity he could of doing all this when Gloucester County (having been plundered by Bacon before his going out against the Indians of their arms which left them exposed to the Indians,) made an address to him who immediately repaired thither. But Bacon having advice thereof sent him by Lawrence and Drummond and coming speedily down with his whole force he was compelled to leave the place and retire to Accomack endeavouring in all places and by all means to maintain the Government and not leaving it as is here asserted in the hands of the Rebel Bacon.

Bacon then summoned in the people and imposed his most wicked oath on them. Larimar's ship is seized by Bland, made a man of war by putting more guns and men into her and sent over to Accomack to take Sir Wm. Berkeley but is itself retaken by his men sent under the command of Col<sup>o</sup> Philip Ludwell, and by the taking of this ship the colony preserved to his Majesty for their being fifty sails of ships gone to Virginia from London & the out parts before any embargoes were laid they would have all dropt in one after another and been taken by this ship if she had not been thus retaken, and what the consequence of that would have been is left to consideration, but Col<sup>o</sup> Ludwell's reward for this great service was to be turned out of his office by Col<sup>o</sup> Jeffreys as soon as Sir Wm. Berkeley was gone for England. And if this had not been effected neither Morris, Couset, Grantham, Prim or Gardner could have defended themselves against Bacon's sea force, tho. they deserved well by assisting the Governor to reduce the Rebels.

Bacon after this resume His Indian design, that is to say kills and takes some few Pamunkey Indians whom he himself afore he had any commission forced or frightened them into the woods to become enemies to the English if they were so, and in all this

relation there is found no account of any Innocent Indians being taken or killed by Bacon and his party.

The Governor having taken Larimore's ship returns to James City with such men as he could get to follow him (for he had not so much as one soldier in his Majesty's pay) and all those he had were provided for by Sir Wm. Berkeley at his own charge (for the taking anything from the Rebels is imputed a heinous crime to those from whom they had taken all), and by what they performed is to be seen how little he could rely on volunteers who are more apt to command their officers than to be commanded by them; neither can the ill success be imputed to Sir Wm. Berkeley who was not wanting to perform his part but could not with twenty men stay in that place when the rest were resolved to quit it, nor punish them at that time for their disobedience.

Bacon enters James City and burns it (very soldier like and with great judgment these volunteers say) which was rather an evidence that his case was desperate, for he certainly have preserved it for his own occupation if he had not thought it \* \* or intended by making his men guilty of wicked acts to engage them further in so bad a Course; he doth not long survive this and his other villainies, dying of the bloody flux or Lousy Disease or both, and Sir Wm. Berkeley had the Honour, and Honour by his prudent conduct, notwithstanding his great age and the weakness of his body brought on him or much increased by the fatigue he underwent in the continued duties of his charge to reduce the whole colony to its former obedience due to his Majesty with out any assistance either from England or Maryland or any other part, and to leave it to his successors in perfect Peace if the opinion of my Lord Cook coming among them and the countenancing the most active abettor of Bacon since the arrival of his Majesty's forces and the discountenancing those which lost their estates and hazarded their lives in his Majesty's service have not infused new boldness into those ill men to attempt new disorders, the last letters give cause to suspect it but God avert it.

In the account of the transactions in Virginia in that part of it which concerns Sir Wm. Berkeley, which is given under the

hands only of Sir John Berry and Col<sup>o</sup> Moryson, they object \* the executing of several persons by Martial Law all which executions were during the heat of the Rebellion when Sir Wm. Berkeley had no place of strength to secure them nor guard whom he could rely on to keep them, and as he told them he had great reason to think a legal jury would not have found them guilty, neither could he be convinced to the contrary by what he saw afterwards of the tryals of ten of them by the Commission of Oyer and Terminer, tho. they were all found guilty by the Jury for these persons were not brought to their tryals before the Country was wholly reduced by him to perfect obedience and after that his majesty's forces were arrived and there was a sufficient strength to justify the Law, but it is certain all the persons executed by Martial Law were notoriously guilty.

Whether there was a great necessity of opening his Majesty's Royal Act of Grace and forgiveness in that Juncture of affairs may deserve a further examination, but no Gentleman of Virginia could see or bring over with him his Majesty's Proclamation without their communication to whom only it was entrusted.

There is no proof made of the seizure of any man's estate only during the heat of Rebellion or such men's as were attainted by Act of Assembly or fined in a Court. They are impatient of the least irregularity of the Governor or loyal party of which they are strict Inquisitors.

And tho. they know well that Sir Wm. Berkeley has had houses burnt in James City, his dwelling house at Green Spring almost ruined, his household goods and others of great value totally plundered; that he had not a bed to lye on, two great Beasts, three hundred sheep, seventy horses and mares, all his corn and provisions taken away and the rest of the loyal party as ill handled they cannot endure they should have any sense of their great losses and sufferings nor give them any better names than the worst of witnesses when they take notice of such things to the actors of all those mischiefs coming to a legal tryal by which they were justly condemned, they themselves being judges which make these reports, since which they have also protected a notorious Rebel from being prosecuted by course of Law in the courts of Justice.

How they have in the whole course of their proceedings they have avoided to receive any complaint of the Publick Grievances but by and under the hands of the most credible, loyal and sober persons in each county, with caution that they did not do it in any mutinous manner and without mixture of their old Leaven, but in such sort as might become dutiful subjects and sober men to present appears by the certificate of — Wright above mentioned. dated August 7th, 1667.

As for the particular cases given, in which they aggravate as much as possible, they were taken after Sir Wm. Berkeley's return for England, and being not indifferently stated no particular answer can be made to them till they are returned again to Virginia and if they are further insisted on it is not doubted they will appear slight and frivolous, and it is very remarkable there is not one private brought against Sir Wm. Berkeley before this Rebellion.

All those things considered, Sir Wm. Berkeley had great reason to differ from the opinion of the learned Lord Cook mentioned by the Commissioners and to appeal to his Majesty and most hon<sup>ble</sup> privy council and the learned Judges of the Law who tis hoped will find cause to justifie Sir Wm. Berkeley's proceedings which when the case shall be better stated and better understood than yet is, will be found to have been entirely for the good of the Colony and his Majesty's service tho to his loss and ruin.